

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§ CASE NUMBER: 18-10554
MAUREEN L ADAIR	§
aka MAUREEN ADAIR, MD,	§
<i>Debtor</i>	§ CHAPTER 11
	§

AGREED MOTION TO CONTINUE HEARING
ON DEBTOR'S OBJECTION TO PROOF OF CLAIM [NO. 9] FILED BY DEUTSCHE
BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR LONG BEACH
MORTGAGE LOAN TRUST 2001-2
[DOCKET NO. 45]

Select Portfolio Servicing, Inc. as mortgage servicer for Deutsche Bank National Trust Company formerly known as Bankers Trust Company of California, N.A., as Trustee for Long Beach Mortgage Loan Trust 2001-2 (“SPS”) respectfully requests a continuance of the hearing on Debtor’s “Objection to Proof of Claim [No. 9] Filed by Deutsche Bank National Trust Company as Trustee for Long Beach Mortgage Loan Trust 2001-2” filed on September 21, 2018 (Docket No. 45) (“Objection to Claim”) currently scheduled for December 3, 2018 at 1:30 pm in the Austin Courtroom 2, Homer Thornberry Judicial Bldg., 903 San Jacinto, Austin, TX 78701, to at least January 7, 2019. Debtor, through her undersigned counsel agrees to the requested continuance.

1. SPS filed a proof of claim for \$1,479,343.94, including pre-petition mortgage arrearages of \$1,071,671.74, and a regular monthly mortgage payment in the amount of \$5,060.97 as of May 1, 2018 and \$5,119.53 beginning July 1, 2018, consisting of principal, interest and escrow for taxes and hazard insurance.

2. On September 21, 2018, Debtor filed an “Objection to Proof of Claim [No. 9] Filed by Deutsche Bank National Trust Company as Trustee for Long Beach Mortgage Loan Trust

2001-2” (Docket No. 45) (“Objection to Claim”). SPS filed its Response to Debtor’s Objection to Claim on October 22, 2018 (Docket No. 50).

3. The Court scheduled a hearing on the Objection to Claim for December 3, 2018 at 1:30 pm.

4. An evidentiary hearing for up to 3.5 hours, with at least two witnesses and numerous exhibits is necessary. The parties’ attorneys have conferred and believe a reset hearing is required for the following cause.

- Debtor and Debtor’s attorney require additional time to review all documents and prepare for the hearing on Objection to Claim.
- SPS requires additional time to arrange for the witness to travel from Salt Lake City, UT to Austin, TX. Due to the holidays, SPS is requesting a hearing not earlier than January 7, 2019.

5. Additionally, SPS is filing a Motion for Relief from Automatic Stay. The parties’ respective attorneys agree that for judicial economy, the Objection to Claim and the Motion for Relief from Stay can be held on the same date, which would be at least four weeks from the date of this motion.

6. Accordingly, the parties’ request that this Court reset the hearing on Debtor’s Objection to SPS’ Claim (Docket No. 45) at the Court’s first available date on or after January 8, 2019 in Austin, Texas.

WHEREFORE PREMISES CONSIDERED Select Portfolio Servicing, Inc. as mortgage servicer for Deutsche Bank National Trust Company formerly known as Bankers Trust Company of California, N.A., as Trustee for Long Beach Mortgage Loan Trust 2001-2 respectfully prays that this Court grant this request for continuance to not earlier than January 7, 2019 for an

approximately 3.5 hour trial; and grant SPS and Debtor such other relief, in equity or at law, to which they may respectively show themselves to be justly entitled.

Respectfully Submitted,

/s/ H. Gray Burks, IV

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*Attorneys for Select Portfolio Servicing, Inc. as
mortgage servicer for Deutsche Bank National
Trust Company formerly known as Bankers Trust
Company of California, N.A., as Trustee for Long
Beach Mortgage Loan Trust 2001-2*

Agreed.

/s/ Stephen W. Sather

Stephen W. Sather,

Attorney for Debtor

CERTIFICATE OF CONFERENCE

I hereby certify that I spoke to Debtor's attorney, Stephen W. Sather on November 26, 2018 at approximately 4:00 pm regarding this continuance, who advised that Debtor requests and agrees to the requested continuance.

/s/ H. Gray Burks, IV

H. Gray Burks, IV

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion has been served on the parties listed below, at the addresses indicated via electronic delivery or by deposit in the United States Mail, first-class postage pre-paid on November 27, 2018.

U.S. Mail

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U.S. Mail

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ECF/CM

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United States Trustee

/s/ H. Gray Burks, IV

H. Gray Burks, IV